

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 849                      Collier County Water-Sewer District  
**SPONSOR(S):** Goodlette  
**TIED BILLS:** None.                      **IDEN./SIM. BILLS:** None.

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government &amp; Veterans' Affairs</u>	_____	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill codifies all prior special acts relating to the Collier County Water-Sewer District in Collier County into a single act and repeals all prior special acts relating to the District's charter. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated for either fiscal year 2003-04 or 2004-05 according to the Economic Impact Statement.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### Effect of Proposed Changes

This bill codifies all prior special acts relating to the Collier County Water-Sewer District (District) in Collier County into a single act and repeals all prior special acts relating to the District's charter.

The bill provides the District Board may exercise jurisdiction and power over properties located within the prior geographic boundaries of the Pelican Bay Improvement District. In 1991 the District assumed the bonds of that District and, pursuant to Resolution No. 91-216 began serving within that geographic area.

The bill removes s. 15 of 88-499, L.O.F., relating to bonds as payment for services, as it is redundant. The bill removes s. 19 of 88-499, L.O.F., relating to system development charges; this provision is incorporated in s. 6, of the proposed bill, relating to the adoption of rates, fees, and other charges. This does not preclude the possibility of system development charges provided that it is distinguished from impact fees.

##### Present Situation

The Collier County Water-Sewer District was created by chapter 73-437, Laws of Florida, and was re-created by chapter 88-499, Laws of Florida.

##### Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional

authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

#### Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

#### C. SECTION DIRECTORY:

- Section 1.** Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; states District is an independent special district; provides Legislative intent; preserves all District authority.
- Section 2.** Codifies, reenacts, amends, and repeals chapters 73-437, 74-462, 77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida.
- Section 3.** Re-creates and reenacts the Collier County Water-Sewer District charter as follows:
  - Section 1. Provides Legislative intent.
  - Section 2. Reestablishes the District.
  - Section 3. Provides for the jurisdiction, restrictions, and boundaries as applied to the City of Naples, Everglades City, Immokalee Water and Sewer District, Marco Island, Golden Gate, and other unincorporated areas; describes the District's boundaries.
  - Section 4. Provides for definitions.
  - Section 5. Provides for the powers and duties of the District Board.
  - Section 6. Provides for the adoption of rates, fees, and other charges.
  - Section 7. Provides for bonds.
  - Section 8. Provides for trust funds; trustees.
  - Section 9. Provides for covenants of the District Board with bondholders.
  - Section 10. Provides for unpaid fees to constitute liens.
  - Section 11. Provides for publication of notice of issuance of bonds.

- Section 12. Provides for the defeasance of the right, title, and interest of the holders of the bonds and obligations of the District.
- Section 13. Provides for annual reports of the District Board.
- Section 14. Provides District bonds as securities for public bodies.
- Section 15. Provides for contracts.
- Section 16. Provides for special assessments.
- Section 17. Prohibits free water and sewer services.
- Section 18. Provides for impact fees.
- Section 19. Provides for conveyance of property without consideration.
- Section 20. Provides for District approval of construction of water and sewage facilities.
- Section 21. Provides for the liberal construction of act.
- Section 22. Provides for penalties and enforcement.
- Section 4.** Repeals chapters 73-437, 74-462, 77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida.
- Section 5.** Provides that the act shall take effect upon being law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 26, 2002

WHERE? Naples Daily News, Naples, Collier County

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not Applicable.

B. RULE-MAKING AUTHORITY: Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

#### IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.